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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	**Application No.** 10/685,701	**Applicant(s)** CHUNG ET AL.	
	Examiner Jason Thomas	**Art Unit** 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 03 January 2008.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) 1-18 is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on 16 October 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☒ All b)☐ Some * c)☐ None of:
1.☒ Certified copies of the priority documents have been received.
2.☒ Certified copies of the priority documents have been received in Application No. 10/685,701.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/20/04, 6/17/04, 9/13/06.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 6-12, filed January 17, 2008, with respect to the rejections of claims 12, 16 and 18 under 35 USC § 102(b) and claims 1-11 and 13-15 and 17 under 35 USC § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of newly found prior art.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 15-18 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of copending Application No. 10/685,702 and that of claims 1, 2 and 7 of copending Application No. 10/685,708. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

> Regarding claim 15: Claim 1 of copending Application No. 10/685,708 recites an information storage medium comprising: AV data; a markup document to play the AV data wherein: the markup document includes device-aspect-ratio information and is referenced to display the markup document. Claim 15 discloses a computer readable medium encoded with operating instructions for displaying such as the aforementioned markup document comprising: obtaining the AV data from the markup document; obtaining the markup picture from the markup document which is according (or referenced) to the device-aspect-ratio information.
>
> Regarding claim 16: Claim 2 of copending Application No. 10/685,708 depends from claim 1 and includes wherein the device-aspect-ratio is referenced from a target display device intended to display the markup document. Claim 16 discloses a computer readable medium encoded with operating instructions for processing such as the aforementioned markup document comprising: determining whether device-aspect-ratio information from a target display device intended to display the markup document is included.

Regarding claim 17: Claim7 of copending Application No. 10/685,708 recites an information storage medium wherein the device-aspect-ratio is referenced to transform a source markup picture. Claim 17 discloses transforming a source markup picture obtained from the markup document.

Regarding claim 18: Claim 9 of copending Application No. 10/685,702 recites an apparatus for processing a markup document in an interactive mode comprising: a controller to output a markup picture; and a markup transformer. Claim 18 discloses a method in a computer system to process (AV) data in an interactive mode using a markup document which consist of the obvious variants of the afore mentioned components for the apparatus which comprise: controlling an AV playback engine to [output] a video picture; and an (ENAV) engine to transform a markup picture.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen (U.S. Pat. No. 5,897,644).

Regarding claim 1: Claim 1 discloses a method which includes obtaining device-aspect-ratio information corresponding to the markup document as well as obtaining a markup picture from the markup document according to the device-aspect-ratio information.

While applicant agrees that Nielsen does teach “a method of displaying a markup picture according to a size of a display device or window and an aspect ratio of the markup picture” which are retrieved from the display device and markup document accordingly, applicant states that Nielsen, "teaches a method of displaying a markup picture according to a size (but not an aspect ratio) of a display device or window.” More specifically applicant states that, “Nielsen does not disclose a processing of a markup document according to the aspect ratio of the display window" and that, "the specification does not disclose nor support an obtaining of display device aspect ratio information, let alone an obtaining of display device aspect ratio from a markup document."

However according to the specification (see [col. 7, ll. 50-57], [col. 8, ll. 20-65]) Nielsen does teach obtaining device-aspect-ratio information corresponding to the markup document as well as obtaining a markup picture from the markup document according to the device-aspect-ratio information from procedures set forth in the markup document instructions (see [col. 8, ll. 20-36], [col. 8, ll. 39-46] where Nielsen teaches allocating the entire display device area, bypassing the windowing functions, to ascertain the display device width and height followed by obtaining an aspect ratio, where the aspect ratio is calculated as the “floating point ratio of Width divided by Height”; see also [col. 8, ll. 37-39], [col. 8, ll. 50-54], [col. 8, ll. 61-65] where the markup document is appropriately dimensioned in the viewable window based on the aforementioned processes used to correlate the determined device-aspect-ratio and the markup document canvas specifications, thus obtaining a markup picture according to the device-aspect-ratio information).

Regarding claim 4: Nielsen discloses all of the limitations of claim 1 including wherein the obtaining of the device-aspect-ratio information comprises parsing the device-aspect-ratio information which is written in the markup document using a property of a tag (see [col. 7, ll. 1 - 12] where the obtaining the canvas specification comprises a parsing mechanism and using unique HTML markup tags).

Regarding claim 5: Nielsen discloses all of the limitation of claim 1 including wherein the obtainment of the markup picture comprises transforming a source markup picture into the markup picture with a predetermined aspect ratio according to the device-aspect-ratio information, the source markup picture being obtained from the markup document (see [col. 7, ll. 66–col. 8, ll. 4] where the HTML data stream is transformed, according to a predetermined aspect ratio, and presented as resultant HTML image; see also [col. 5, ll. 7–11] where the

HTML data stream can obtain graphics from graphical data; see also [col. 10, ll. 7–9] where other HTML non-textual elements can be transformed).

Regarding claim 9: Nielsen discloses all of the limitations of claim 1 including wherein the device-aspect-ratio information is included in the markup document (see [col. 3, ll. 40–44] where the device-aspect-ratio information, referred to herein as the canvas specification, is obtained from within the HTML data stream).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-3, 7-8, 11, 12, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (U.S. Pat. No. 5,897,644) in view Nishi (U.S. Patent No. 6,681,395 B1).

Regarding claim 2: Nielsen discloses all of the limitations of claim 1, including wherein the obtaining of the device-aspect-ratio information comprises reading information which includes the maximal display size of a target display device intended to display the markup document in an interactive mode (see [col. 7, ll. 50–65], [col. 8 , ll. 20-65] for the process of accessing information about the parameters of a specific display device intended to present the interactive image which includes determining the aspect ratio).

Nielson does not explicitly teach the device-aspect-ratio information being information on an aspect ratio of a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving the aspect ratio and size information of a display screen for a viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to retrieve the aspect ratio information of the display screen for a target viewing device, as taught in Nishi, while accessing the display device information to obtain values used to determine the maximal view while maintaining the intended aspect ratio, as taught in Nielsen, because by obtaining the target display device's aspect ratio, to adjust the display content accordingly, it will be possible to support more devices and more quickly eliminate viewing distortion caused by non-uniform aspect ratios (see Nishi [col. 1, ll. 52-67]).

Regarding claim 3: Nielsen discloses all of the limitations of claim 1 including wherein the obtaining the device-aspect-ratio information comprises reading information which includes the maximal display size of a target display device intended to display the markup document in an interactive mode according to a design of a markup document maker (see [col. 7, ll. 50–65], [col. 8

, ll. 20-65]; see also [col. 3, ll. 29–37] the HTML image is presented in the original proportions as the author intended).

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

Regarding claim 7: Nielsen discloses all of the limitations of claim 1 including wherein the obtainment of the markup picture comprises scaling a source markup picture to output the markup picture corresponding to device-aspect-ratio information in response to information which includes the maximal display size and the aspect ratio, the aspect ratio being calculated as the “floating point ratio of Width divided by Height”, from a destination device being different form the calculated device-aspect-ratio information, the destination device substantially displaying the markup document and the source markup picture being obtained from the markup document (see [col. 8 , ll. 20-65]; see also [col. 7, ll. 66 through col. 8, ll. 5] where the HTML image can be reduced or magnified according to the transformation limitations; see also [col. 8, ll. 20–26] for the maximization in the device accessible area).

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

Regarding claim 8: Nielsen discloses all of the limitations of claim 7, but does not explicitly teach wherein the destination device is a television monitor.

Nishi teaches using a television as a display (see [fig. 1]).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to display an HTML data stream image, as taught in Nielsen, on a television, as taught in Nishi because televisions are commonly used to view media presentations (see [col. 1, ll. 18-37]).

Regarding claim 11: Nielsen discloses all of the limitations of claim 1 including wherein the obtaining of the device-aspect-ratio information comprises reading information which includes the maximal display size of a target display device intended to display the markup document and information on a resolution of the markup document, the information on the aspect ratio, which is calculated as the “floating point ratio of Width divided by Height”, and the information on the resolution being written in the markup document using a property of a tag (see claim 2 rejection; see also [col. 8 , ll. 20-65], [col. 9, ll. 58 through col. 10, ll. 6] where the resolution, number of pixels in the view area, is stored in the markup document under the property tag “AREA”).

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

Regarding claim 12: Nielsen discloses a method of processing a markup document in an interactive mode (see [col. 3, ll. 38–50]).

Nielsen further discloses determining whether device-aspect-ratio information is included in the markup document (see [col. 3, ll. 38–44] for detecting aspect ratio of markup document).

Nielsen discloses display device information, being data including information such as size values of the target display device intended to display the markup document in the interactive mode (see [col. 3, ll. 44–45]; see also [col. 7, ll. 50–53] for accessing information about the target display device).

Nielsen teaches processing the markup document according to the display device information with respect to the maximal display size information being included in the markup document (see [col. 7, ll. 50–57], [col. 8, ll. 37-65] where the markup application is processed according to the limit allowed by the determined transformation values).

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

Regarding claim 13: Nielsen discloses all of the limitations of claim 12 including wherein the processing for the markup document includes transforming a source markup picture obtained from the markup document according to the device-aspect-ratio information in response to information on an aspect ratio, where the device–aspect-ratio is calculated as the “floating point ratio of Width divided by Height” obtained from the maximal display size, of a destination device displaying the markup document being different from the calculated device-aspect-ratio information (see [col. 7, ll. 66 through col. 8, ll. 5], [col. 8, ll. 37-65] where the HTML image can be reduced or magnified according to the transformation limitations obtained prior to displaying; see also [col. 8, ll.

20–26] see also [col. 5, ll. 7–11] where the HTML data stream can obtain graphics from graphical data).

Nielsen further discloses outputting the source markup picture once transformed in response to the information on the aspect ratio of the destination device corresponding to the device's calculated aspect ratio information (see [317 and 319 of figure 3]).

At the time of the invention it would be obvious, to one of ordinary skill in the art, to display the HTML image "as is" as opposed to transforming its dimensions because displaying the HTML image "as is" can be accomplished by simply not applying one or more pre-existing processes.

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

Regarding claim 16: Nielsen discloses a computer readable medium encoded with operating instructions for implementing a method of processing a markup document in an interactive mode, performed by a computer (see [col. 4, ll. 20–29] where a program is embedded on a computer usable medium for the expresses purpose of processing a markup HTML data stream).

Nielsen further discloses determining if the display device information is included in the markup document, the display device information being data including values on the maximal display size of a target display device intended to display the markup document in the interactive mode (see [col. 4, ll. 20–29]; see also [col. 7, ll. 50–65], [col. 8, ll. 20-65] where the process of accessing information about a specific display device, intended to present the interactive capable markup data, includes retrieving values which relate to the maximal size allowed by the display device).

Nielsen further discloses processing the markup document according to the maximal display size information in response to the maximal display size information being included in the markup document (see [col. 4, ll. 20–29]; see also [col. 7, ll. 50–57] where the markup application is processed according to the limit allowed by the determined maximal display size values).

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

Regarding claim 17: Nielsen discloses all of the limitations of claim 16 including wherein the processing of the markup document includes transforming a source markup picture obtained from the markup document according to the device-aspect-ratio information contained in the markup document, in response to information on a calculated aspect ratio of a destination display device used to display the markup document being different from the device-aspect-ratio information contained in the markup document; where the destination device's aspect ratio is calculated as the "floating point ratio of Width divided by Height" obtained from the maximal display size.

Nielsen further discloses outputting the source markup picture once transformed in response to the information on the calculated aspect ratio of the destination device corresponding to the device-aspect-ratio information (see [317 and 319 of figure 3]).

At the time of the invention it would be obvious, to one of ordinary skill in the art, to display the HTML image "as is" as opposed to transforming its dimensions because displaying the HTML image "as is" can be accomplished by simply not applying one or more pre-existing processes.

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (U.S. Pat. No. 5,897,644) in view of Yamauchi et al. (U.S. Pat. No. 5,907,659) and Nishi (U.S. Patent No. 6,681,395 B1).

Regarding claim 6: Nielsen discloses all of the limitations of claim 1, including wherein the obtainment of the markup picture comprises transforming a source markup picture into some markup picture according to device-aspect-ratio information, calculated as the “floating point ratio of Width divided by Height”, the source markup picture being obtained from the markup document (see claim 5 rejection).

Nielsen does not explicitly teach transforming said source markup picture into a markup picture with an aspect ratio of 4:3 or 16:9.

Yamauchi teaches the transformation to aspect ratios of 4:3 and 16:9 (see [col. 2, ll. 19 – 49]).

At the time the invention was made it would have been obvious, to a person of ordinary skill in the art, to transform an HTML data stream image, as taught in Nielsen, into an image with an aspect ratio of 4:3 or 16:9 because these aspect ratio standards are widely accepted and used.

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

6. Claim 10, 14-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (U.S. Patent No. 5,897,644) in view of Betz et al. (Pre Grant Pub. 2002/0106191 A1) and Nishi (U.S. Patent No. 6,681,395 B1).

Regarding claim 10: Nielsen discloses all of the limitations of claim 1 including wherein the displaying of the interactive picture further includes obtaining embedding information included in the markup document to combine the graphic picture with respect to the markup picture (see [col. 3, ll. 40–44] where the information is obtained from within the HTML data stream; see also [col. 5, ll. 7–11] where the HTML data stream can contain graphics obtained through processing graphical data; see also [col. 10, ll. 7–9] where other HTML non-textual elements which include dimensions or parameters are transformed prior to being displayed).

Nielsen does not explicitly disclose a method of processing a source markup picture of a markup document and a source audio video (AV) picture of an AV data in an interactive mode.

Betz teaches processing and compiling video segments which can include audio from digital video using a software layer (see [0008], [0009], [0010], [0034], [0038]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to apply the methods used to provide for a fixed canvas presentation to maintain aspect ratio, as taught in Nielsen, to process AV data, as taught in Betz, because similarly to graphic pictures, AV data which also contains dimensions and parameters must be transformed to be displayed in a uniform dimension, more specifically its aspect ratio, on differing size computer displays (see Nielsen [col. 10, ll. 7-9]).

Regarding claim 14: Nielsen discloses obtaining a graphic picture typed selection information (see [col. 9, ll. 45-57] where the graphic or referenced media type is selected based on the HTML element tag; see also [col. 6, ll. 26-40]); determining whether the maximal display size information is included in the markup document (see [col. 3, ll. 38–44], [col. 8 , ll. 37-46] for detecting the maximal size of markup document); transforming the source graphic picture and the source markup picture according to the graphic picture type selection information and the device-aspect-ratio information which is calculated as the “floating point ratio of Width divided by Height”, respectively, in response to the maximal display size information being included in the markup document (col. 3, ll. 38-50], [col. 8 , ll. 20-65] for transformation; see also [col. 7, ll. 50-53] for obtaining the maximal display size information).

Nielsen further discloses displaying the canvas which can include a graphic picture according to the graphic picture type selection information and outputting the source markup picture “as is” in response to the maximal display size information not being included in the markup document (see [fig. 3 item sequence 301, 303, 305, 307, 309], [col. 6-7, ll. 66-10] where the canvas is displayed without a transformation, "as is" if no specification information is present).

Nielsen does not explicitly disclose a method of processing a source markup picture of a markup document and a source audio video (AV) picture of an AV data in an interactive mode.

Betz teaches processing and compiling video segments which can include audio from digital video using a software layer (see [0008], [0009], [0010], [0034], [0038]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to apply the methods used to provide for a fixed canvas presentation to maintain aspect ratio, as taught in Nielsen, to process AV data, as taught in Betz, because similarly to graphic pictures, AV data which also contains dimensions and parameters must be transformed to be displayed in a uniform dimension, more specifically its aspect ratio, on differing size computer displays (see Nielsen [col. 10, ll. 7-9]).

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

Regarding claim 15: Nielsen discloses a computer readable medium encoded with operation instructions for implementing a method of displaying an interactive picture using a markup document, performed by a computer (see [col. 4, ll. 20–29]).

Nielsen further discloses obtaining maximal display size information corresponding to the markup document (see [col. 3, ll. 38–44] contents of markup document obtained and used).

Nielsen further discloses obtaining a markup picture from the markup document according to the device-aspect-ratio, calculated as the “floating point ratio of Width divided by Height” (see [col. 7, ll. 66–col. 8, ll. 4], [col. 8 , ll. 37-65] where the HTML data stream is transformed, according to a predetermined aspect ratio, using a presentation mechanism to present a resultant HTML image; see also [col. 5, ll. 7–11] where the HTML data stream can obtain graphics from graphical data; see also [col. 10, ll. 7–9] where likewise other HTML non-textual elements can be obtained and transformed).

However, Nielsen does not explicitly teach a computer readable medium encoded with operation instructions for implementing a method of displaying an interactive picture using audio video (AV) data, performed by a computer comprising obtaining an AV picture from the AV data and displaying the interactive picture including combining the AV picture and the markup picture.

Betz teaches presenting a video or image montage by referencing markings which link titles on a digital video or DVD which contain individual shots, scenes, or sequences (see [0008-0009] and [0029]). Betz further teaches that the aforementioned media can contain audio as well as video (AV) data (see [0034], [0038]).

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to obtain and combine AV elements, as taught in Betz, for the use and integration with the HTML markup processing, as taught in Nielsen, because the AV elements like the graphical elements in Nielsen are common media elements and often used in HTML markups (see Betz [0008]).

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

Regarding claim 18: Nielsen discloses a method in a computer system to process graphic picture data in an interactive mode using a markup document, the method comprising: controlling an graphic picture display engine to obtain a graphic picture of the graphic data; and controlling an graphic picture display engine to transform a markup picture of the markup document according to device-aspect-ratio information included in the markup document corresponding to the calculated aspect ratio of the target display device intended to display the markup document in the interactive mode (see [col. 3, ll. 38-50] for a computer controlled method; see also [col. 7, ll. 66 through col. 8, ll. 5] where method is capable of transforming HTML data into an HTML image; see also [col. 7, ll. 50-53] where method is able to obtain the maximal display size of the target display; see also [col. 6, ll. 26-40] for a description of a general computer which is capable of processing multiple forms of image data).

Nielsen does not explicitly disclose a method of processing a source markup picture of a markup document and a source audio video (AV) picture of an AV data in an interactive mode or enhanced audio video.

Betz teaches processing and compiling of AV and enhanced AV from digital video using a software layer (see [0008], [0009], [0010], [0034], [0038]; see also [abstract], [0008], [0009], [0012] for enhanced AV through the means of presenting as a montage).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to apply the methods used to provide for a fixed canvas presentation to maintain aspect ratio, as taught in Nielsen, to process AV data, as taught in Betz, because similarly to graphic pictures, AV data which also contains dimensions and parameters must be transformed to be displayed in a uniform dimension, more specifically its aspect ratio, on differing size computer displays (see Nielsen [col. 10, ll. 7-9]).

Nielson does not explicitly teach the device-aspect-ratio information being aspect ratio information received directly from a target display device intended to display the markup document in the interactive mode.

Nishi teaches a method of modifying the display of a markup document based on receiving, from the device, the aspect ratio and size information of a display screen for the target viewing device (see [figs. 1, 4, 7, 12 and 13], [col. 6, ll. 10-24], [col. 12, ll. 24-34]).

(See claim 2 for the motivation to combine).

Conclusion

Because new grounds of rejections have been made to reject **claims 1-18**, this Office Action is made **Non-Final.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00a.m. - 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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